

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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JOSEPH A. FERRARA, SR., FRANK H. FINKEL, MARC  
HERBST, DENISE RICHARDSON, THOMAS F. CORBETT,  
ANTHONY D'AQUILA, THOMAS GESUALDI, LOUIS  
BISIGNANO, DOMINICK MARROCCO, and ANTHONY  
PIROZZI, as Trustees and Fiduciaries of the Local 282 Pension  
Fund,

**ORDER**  
11-CV-0661 (ADS) (GRB)

Plaintiffs,

-vs.-

PI TRUCKING CORP.,

Defendant.

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**APPEARANCES:**

**Cohen, Weiss and Simon LLP**

*Attorneys for the plaintiffs*

330 West 42<sup>nd</sup> Street

New York, NY 10036

By: Peter D. DeChiara, Esq.

Michael Seth Adler, Esq., Of Counsel

**NO APPEARANCE:**

PI Trucking Corp.

**SPATT, District Judge.**

On April 27, 2011, the Court referred this matter to United States Magistrate Judge Arlene R. Lindsay for a report and recommendation as to the amount of damages, attorneys' fees, and costs to be awarded following the entry of a default judgment against the Defendant PI Trucking Corp. On November 18, 2011 the matter was re-assigned to United States Magistrate Judge Gary R. Brown. On December 20, 2011, Judge Brown issued a Report recommending that the Court award the plaintiffs the following damages:

- Withdrawal liability in the amount of \$161,454.00;

- Interest in the amount of \$57,008.74 through March 18, 2011, with additional per diem interest of \$79.62 from March 19, 2011 through the date of judgment;
- Additional interest as liquidated damages in the amount of \$57,008.74 through March 18, 2011, with additional per diem interest of \$79.62 from March 19, 2011 through the date of judgment; and
- \$3,185.00 and \$511.14 in attorneys' fees and costs, respectively.

(Report at 9.) To date, there have been no objections filed to the Report.

In reviewing a report and recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Brown’s Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Brown’s Report, it is hereby

**ORDERED**, that Judge Brown’s Report and Recommendation is adopted in its entirety. The Court awards the plaintiffs: (1) withdrawal liability in the amount of \$161,454.00; (2) interest in the amount of \$57,008.74 through March 18, 2011, with additional per diem interest of \$79.62 from March 19, 2011 through the date of judgment; (3) additional interest as liquidated damages in the amount of \$57,008.74 through March 18, 2011, with additional per diem interest of \$79.62 from March 19, 2011 through the date of judgment; and (4) \$3,185.00 and \$511.14 in attorneys’ fees and costs, respectively, and it is further

**ORDERED**, that the Clerk of the Court shall enter a judgment for the plaintiffs as set forth above, and it is further

**ORDERED**, that the Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
January 23, 2012

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge